

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:

Chapter 13

Andrew J. Reed,

Case No. 17-10567-jfk

Debtor.

In re:

Andrew J. Reed,

Plaintiff,

Adv. Pro. 17-00200-jfk

v.

Related to Doc. No. 1

Nationstar Mortgage, LLC d/b/a
Champion Mortgage Company,

Defendant.

**ANSWER WITH AFFIRMATIVE DEFENSES TO
COMPLAINT TO DETERMINE SECURED STATUS**

COMES NOW, the defendant Nationstar Mortgage, LLC d/b/a Champion Mortgage Company (the “Defendant”), by and through its undersigned counsel, submits and files its Answer with Affirmative Defenses to the Plaintiff/Debtor’s Complaint to Determine Secured Status (the “Complaint”), and states as follows:

1. Defendant admits the allegation in paragraph “1” of the Complaint.
2. Defendant lacks sufficient information and knowledge to admit, or deny, the allegation in paragraph “2” of the Complaint with respect to the debtor’s alleged ownership interest in the subject property located at 2718 W. York Street, Philadelphia, PA 19132 (the “Property”), and the same are therefore generally and specifically denied. Strict proof thereof is demanded at time of trial in this Matter. Defendant generally and specifically denies the

remainder of the paragraph with respect to the alleged valuation for the Property. Strict proof thereof is demanded at time of trial in this matter.

3. Defendant lacks sufficient information and knowledge to admit, or deny, the allegation in paragraph “3” of the Complaint with respect to the debtor’s alleged ownership interest in the Property and the same are therefore generally and specifically denied. Strict proof thereof is demanded at time of trial in this matter. Defendant admits the remainder of the paragraph to the extent that a proof of claim has been filed upon behalf of the Defendant evidencing a secured claim encumbering the Property in the amount of \$40,104.27.

4. Defendant generally and specifically denies the allegation in paragraph “4” of the Complaint to the extent that the Debtor alleges there are superior liens on the Property. Strict proof thereof is demanded at time of trial in this matter. Defendant admits the remainder of the paragraph to the extent that the City of Philadelphia has alleged superior liens on the Property.

5. Defendant generally and specifically denies the allegation in paragraph “5” of the Complaint. Strict proof thereof is demanded at time of trial in this matter.

6. The allegations in this paragraph include conclusions of law to which no response is required. To the extent a response is required, Defendant generally and specifically denies its secured claim is \$19,270.30. Strict proof thereof is demanded at time of trial in this matter.

AFFIRMATIVE DEFENSES

Defendant asserts the following defenses in opposition to the claims asserted by Plaintiff against Defendant in the Complaint.

FIRST AFFIRMATIVE DEFENSE

1. The Complaint does not state a claim upon which any relief may be granted.

SECOND AFFIRMATIVE DEFENSE

2. The allegations in the Complaint are barred by the doctrine of estoppel, waiver and/or admission.

THIRD AFFIRMATIVE DEFENSE

3. The allegations in the Complaint are barred by Laches.

FOURTH AFFIRMATIVE DEFENSE

4. The allegations in the Complaint are barred by the Statute of Frauds.

FIFTH AFFIRMATIVE DEFENSE

5. Defendant reserves its rights to add any additional defenses, which may be discovered during the process of any discovery.

WHEREFORE, Defendant demands judgment dismissing each and every cause of action in the Complaint, with prejudice, and for an award of attorney's fees and/or costs incurred in this action, and for such other and further relief as this Court deems just and proper.

Dated: August 15, 2017

Respectfully submitted,
BERNSTEIN-BURKLEY, P.C.

By: /s/ Daniel R. Schimizzi
Daniel R. Schimizzi, Esquire
PA I.D. # 311869
dschimizzi@bernsteinlaw.com
707 Grant Street, Suite 2200, Gulf Tower
Pittsburgh, PA 15219
Tel: (412) 456-8121
Fax: (412) 456-8135

Counsel for Defendant.